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STEPHANIE YOUNGBLOOD, DC  
*President*  
MARGARET COLUCCI, DC  
*Vice President*  
IAN YAMANE, DC  
*Secretary*

## STATE OF NEVADA



DAVID HOWARD  
*Consumer Member*  
ELIZABETH WEBB BEYER, RN, JD  
*Consumer Member*  
DONALD H. MINER, DC  
*Member*  
CURTIS POTTS, DC  
*Member*  
CINDY WADE  
*Executive Director*

### CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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### MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Friday, April 21, 2006 in Room 4401 of the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101.

The following Board members were present for the roll call at 1:20 PM:

Stephanie Youngblood, DC, President  
Margaret Colucci, DC, Vice President  
Ian Yamane, DC, Secretary  
Member, Donald H. Miner, DC  
ElizaBeth Webb Beyer, RN, JD, Consumer Member

Member Dr. Curtis Potts and Consumer Member David Howard were absent. President Dr. Stephanie Youngblood determined that a quorum of the Board was present and called the meeting to order. Also present were Deputy Attorney General David Newton and CPBN Executive Director Cindy Wade.

Dr. Don Miner led the Pledge of Allegiance.

**AGENDA ITEM 1** Dr. Miner moved for approval of the agenda. Dr. Colucci seconded and the motion passed unanimously.

**AGENDA ITEM 2** Dr. Youngblood noted that Sharon Roth, OMD, was present to give testimony with respect to Agenda Items 18 and 20 regarding expansion of the chiropractic scope of practice to include acupuncture. Dr. Miner objected as a point of order that Agenda Item 2 is for items not on the agenda. Ms. Beyer made a motion to take Agenda Item 29, Public Comment, out of order. The motion died for lack of a second. Dr. Roth submitted her testimony in writing to be read under Agenda Item 29.

Berlyn Miller introduced himself as representing the Nevada Chiropractic Association. He was unable to stay for the entire meeting and suggested that Items 18 and 20 be moved to the top of the agenda. This could not be done because more persons were expected to arrive later in the day who will wish to address that matter.



**AGENDA ITEM 3** Dr. Colucci moved for approval of the March 10-11, 2006 meeting minutes. Dr. Yamane seconded and the motion passed with all in favor except Dr. Miner who abstained because he was not in attendance at the March 10-11, 2006 meeting.

**AGENDA ITEM 4** Dr. Miner moved to approve the Board financial reports. Dr. Youngblood seconded the motion and it passed unanimously.

### **CONSENT CALENDAR**

Dr. Miner moved for approval of items 5, 6, 7, 8, 9 and 10 under the Consent Calendar, as follows:

**Agenda Item 5** **Approve** granting of Chiropractor's Assistant for Massage certificate to Laura Moran.

**Agenda Item 6** **Approve** application for restoration of license of Susan M. Barry, DC.

**Agenda Item 7** **Approve** request from Reza Ghassemi, DC, to amend the November 22, 2005 Order to allow him to complete the total required Risk Management seminar hours during his first year of probation.

**Agenda Item 8** **Approve** request from Mark Cymerint, DC/Triad Seminars to be approved as seminar sponsor for 2006.

**Agenda Item 9** **Approve** Executive Director reports:

- A. Status of Complaints Received
- B. Status of Current Probations
- D. Legal/Investigatory:
  - 1. Costs assessed since last report
  - 2. Costs assessed year-to-date
  - 3. Costs collected since last report
  - 4. Costs collected year-to-date

**Agenda Item 10** Disposition of pending complaints:

- A. **Approve** dismissal of Complaint 05-17
- B. **Approve** dismissal of Complaint 05-25

Dr. Yamane seconded and the motion passed unanimously.

### **ADMINISTRATIVE AGENDA**

**AGENDA ITEM 11** Applicant James Earle, DC, was present. It was noted that Dr. Earle had waived his right to receive notice as specified by the Nevada Open Meeting Law for this meeting. Dr. Earle waived his right to have this matter addressed in closed session. Cindy Wade explained that Dr. Earle had disclosed on his application two drug-related convictions and an arrest for motor vehicle theft which was dismissed. Dr. Earle explained the circumstances of each of these matters.

Ms. Beyer moved that Dr. Earle be required to be assessed by a Board approved mental health counselor with an evaluation report to be submitted to the Board. Dr. Youngblood seconded and the motion passed with all in favor except Dr. Miner who was opposed. Following discussion, Dr. Miner moved for reconsideration of the motion. Dr. Colucci seconded the motion and it passed unanimously. After further discussion, Ms. Beyer moved that Dr. Earle be required to provide three letters of recommendation that address the issues of his mental health and prior drug use and a letter from an approved mental health counselor with a psychiatric and drug/alcohol abuse evaluation, that he be allowed to take the May 10, 2006 law test, and he will be considered for licensure when all of the requirements are satisfied. Dr. Miner seconded the motion and it passed unanimously.



**AGENDA ITEM 12** Dr. Miner presented the terms of the proposed settlement agreement with Dr. Randy Mantz. Mr. Newton advised that this settlement agreement does not set a precedent. It is a unique negotiation unless the Board wants to recognize it as a precedent for future handling of settlements. Dr. Yamane moved for approval of the Agreed Settlement with Dr. Randy Mantz. ElizaBeth Beyer seconded the motion which passed with all in favor. Dr. Miner recused himself from voting on the motion as the investigating Board member.

**AGENDA ITEM 13** Dr. Miner reported that a settlement Dr. Peter Darvas has not yet been attained and this matter will probably end up going to hearing.

**AGENDA ITEM 14** Complaint 05-26 involves multiple liens filed by a DC against patients' properties that appear to be fraudulent and abusive. Dr. Miner moved that this case be referred to the Board's Deputy Attorney General for further investigation and prosecution. Dr. Yamane seconded and the motion passed unanimously.

Complaint 05-27 was filed by a patient because she had an allergic reaction to the cat in a DC's office. Dr. Miner moved for dismissal of the complaint with a letter to the doctor advising that he must take all necessary measures to ensure that health, safety and sanitary measures are part of his office routine. Dr. Youngblood seconded and the motion passed unanimously.

**AGENDA ITEM 15** Deputy AG David Newton reported that the court overturned Daniel Nightingale's license revocation. The concern was that the Board knew at the time the original hearing notice was sent that Dr. Nightingale would be in prison on the hearing date. It was felt that the Board should have countered Mrs. Nightingale's request for a continuance with a reasonable hearing date within 30-60 days. At this time a new hearing needs to be scheduled for either sometime in June or after Dr. Nightingale's July 4, 2006 release date. Dr. Miner moved to hold the hearing on June 3, 2006. Ms. Beyer seconded and the motion passed unanimously.

**AGENDA ITEMS 16 & 24** There was discussion with regard to the Board's decision on Case 04-9. The Board's policy with respect to requiring admission of guilt in all Agreed Settlements was reviewed. Dr. Yamane moved that the policy be changed to allow the investigating Board member discretion as to whether or not an admission of guilt should be required when negotiating an Agreed Settlement. Dr. Youngblood seconded and the motion passed unanimously.

**AGENDA ITEM 17** ElizaBeth Beyer moved for approval of the proposed Board Complaint Handling Procedure and draft form for expedited settlements. The motion was seconded by Dr. Youngblood and passed unanimously.

**AGENDA ITEM 18** The proposed statutory changes for the Board's 2007 Legislative Bill were reviewed. Dr. Yamane moved for approval of the proposed statutory changes as drafted, except for the possible revision to the scope of practice which will be addressed under Agenda Item 20. Ms. Beyer seconded and the motion passed unanimously.

**AGENDA ITEM 19** The attributes of the two candidates for NBCE District IV Director were reviewed with general agreement that Drs. Tripp and Opie are both viable candidates. A poll of the Board disclosed that Drs. Colucci, Miner and Yamane were in favor of Dr. Tripp and Dr. Youngblood was in favor of Dr. Opie. Ms. Beyer did not have a position.



The two candidates for NBCE District IV Alternate Director were discussed. There was concern that Dr. Larry Davis has never contacted the Board regarding its position on FCLB and NBCE issues. A poll of the Board disclosed that Drs. Colucci, Youngblood and Miner were in favor of Dr. Kremer and Dr. Yamane was in favor of Dr. Davis. Ms. Beyer did not have position.

All Board members were in favor of retroactive term limits.

**AGENDA ITEM 20** This matter was postponed for later when members of the public could be present.

**AGENDA ITEM 21** Dr. Yamane recommended the Board accept Michael Miscoe's offer to train Board members on documentation and coding compliance for the cost of his expenses. Dr. Miner moved to approve Mr. Miscoe's expenses not to exceed \$1,000. Dr. Youngblood seconded and the motion passed unanimously. It was agreed that Friday, June 3, 2006 commencing at 12:00 Noon would be a good time for this presentation.

**AGENDA ITEM 22** Dr. Miner offered to negotiate with Target and Chirocoding for a CPBN sponsored x-ray/coding seminar. Dr. Yamane so moved and Ms. Beyer seconded. The motion passed unanimously.

**AGENDA ITEM 23** A licensee's advertisement in the attorney section of the hispanic yellow pages was reviewed. Dr. Miner made a motion that a letter be sent to the doctor that the ad could be construed as a violation constituting professional misconduct and that he should send his assurance that he will delete the ad. The motion was seconded by Dr. Yamane and passed unanimously. David Newton will write the letter.

**AGENDA ITEM 25** The Board determined that it has no interest in establishing a requirement that all Nevada licensees be members of the state and/or a national chiropractic professional organization.

**AGENDA ITEM 26** Dr. Colucci reported that the next CA and CAM exams will be administered in Reno and Las Vegas on August 11, 2006.

**AGENDA ITEM 27** Cindy was instructed to respond to a survey that the CPBN will continue to approve continuing education programs that may or may not be approved by PACE.

**AGENDA ITEM 28** There were no Board member comments.

**AGENDA ITEM 18 & 29** Under No. 5 of Agenda Item 18, public testimony was taken from the following persons who were all against revising the chiropractic scope of practice provision to include acupuncture: Dr. Maureen Lamerdin (by telephone from Carson City); Michael Labrum, DC and OMD; Farolyn McSweeney, OMD; Setsuko Sage, OMD; Chia Yun Lo; Stephanie Jordan, OMD, Kalaya DeMonde; and Sae E. Lee, OMD. Letters from Sharon Roth, OMD, and Betty Yang, Nevada Oriental Medical Association Executive Director, were read for the record. There was no public comment in favor in this matter.

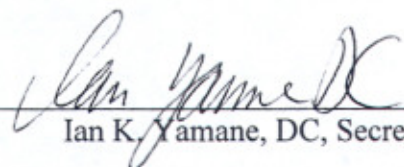
With respect to the issue of homeopathic topical substances, Dr. Miner moved to take no action. Second was by Dr. Youngblood and the motion passed unanimously.

**AGENDA ITEM 20** Dr. Miner moved that no action be taken regarding scope of practice with respect to:

- A. Acupuncture
- B. Acutouch
- C. Colonics/Rectal tube
- D. Homeopathy
- E. Magnets
- F. Naturopathy
- G. Other methods of treatment

**AGENDA ITEM 30** The meeting adjourned at 6:00 PM.

Approved: May 12, 2006

  
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Ian K. Yamane, DC, Secretary